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October 16, 2007

**BY FACSIMILE**

Honorable Charles L. Brieant, U.S.D.J.  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

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Letter  
BRIANT  
CLB/USDJ

Re: Kappel v. The Prudential Insurance Company of America, 07 Civ. 6713 (CLB)  
Our File No. : 09720.00255

Dear Judge Brieant:

We represent defendant The Prudential Insurance Company of America ("Prudential") in this matter, and write with John Fried, counsel for plaintiff Michael Kappel, to inform the Court that the parties have agreed to use private mediation to mediate this matter. Because Mr. Fried is representing Mr. Kappel pro bono, Prudential has agreed to pay the cost of the mediation with certain restrictions to be worked out by the parties.

Thank you very much for your attention to this matter.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

  
Emily Hayes

cc: John Fried, Esq.

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